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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,536	01/21/2004	Ludwig Plotz	5367-76	9230
<div>7590 10/11/2007 COHEN, PONTANI, LIEBERMAN & PAVANE Suite 1210 551 Fifth Avenue New York, NY 10176</div>			<div>EXAMINER VU, DAVID HUNG</div>	
			<div>ART UNIT 2821</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 10/11/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,536

Applicant(s)

PLOTZ ET AL.

Examiner

David H. Vu

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12, 14-17 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-12, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Jansa et al (hereinafter Jansa), U.S. Pat No 6,218,790.

Jansa discloses the claimed invention including drive circuit 19; evaluation circuit 18 located in the LED circuit arrangement adapting for code detection; coding conductors (electrical lead) connected to LED 1 and drive circuit arrangement, see, for example, figures 1-2, column 2, column 3, lines 1-41, column 4.

Regarding claim 2, figure 2 does show "evaluation circuit" 18 which passes a control signal to drive circuit 19.

Regarding claim 3, inherently logic state "0" is for interrupted coding conductor and "1" for non-interrupted.

Regarding claim 4, coding conductors can be connected to a power or voltage source of drive circuit 19. Coding conductors can be connected to evaluation circuit 18.

Regarding claim 5, since the evaluation circuit 18 outputs signals to driver 19, the evaluation circuit inherently includes a digital to analog converter so as to control driver 19.

Regarding claims 9-12, 16-17, the lead and other elements are arranged on a printed circuit board, the lead and contact elements are arranged on a flexible printed circuit, coding conductors can be interrupted by stamping, and the lead can be connected to drive circuit 19 by plug connection 38 (column 2, column 3, lines 1-40, column 4, lines 23-60).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jansa.

Jansa as discussed from the above, essentially discloses the claimed invention but fails to explicitly disclose the D/A converter contains a resistor network. However, D/A converter with a resistor network is very well known in the art. It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have employed the resistor network D/A converter; thus, digital to analog conversion would have been realized.

6. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jansa.

Jansa as discussed from the above, essentially discloses the claimed invention but fails to explicitly disclose LEDs connected in parallel. Lefebvre discloses LEDs connected in parallel, see figures 3-5. It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided the Jansa with LEDs connected in parallel; thus, light intensity would have been increased. Note that the Jansa reference (column 2, lines 45+) does suggest a plurality of diodes for the purpose of increasing light intensity. The coding is apparently "correlated" by the LED brightness grouping.

Allowable Subject Matter

7. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 6/11/07 have been fully considered but they are not persuasive.

Applicant now argues that the claimed evaluation circuit is located in the LED circuit arrangement. Applicant also points out that the Jansa reference discloses (columns 3-4) the LED forming a physical unit arranged such that it can be mechanically separated from the remaining components along a separating line 9. The Examiner respectfully disagrees. The Examiner considers the "LED circuit arrangement" as the whole circuit shown in figures 1-2; thus, clearly evaluation circuit 18 is located within this LED circuit arrangement.

Conclusion

9. This is an RCE of applicant's earlier Application No. 10/763,536. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

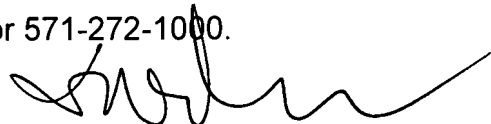
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Vu whose telephone number is (571) 272-1831. The examiner can normally be reached on M-F 9:00am-5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2821

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David H. Vu
Primary Examiner
Art Unit 2821

dv